



State of Tennessee Department of Children's Services

Administrative Policies and Procedures: 25.7

Subject: Disciplinary Report/Notice of Hearing for Youth in DCS Community Residential Facilities

Supersedes: DCS 25.7, 12/01/01

Local Policy: No

Local Procedures: No

Training Required: No

Applicable Practice Model Standard(s): Yes

Approved by:

Effective date: 02/01/00

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Application

To All Department of Children's Services Community Residential Employees and Youth

Authority: TCA 37-5-106

Policy

Community residential facility employees shall prepare a disciplinary report/notice of hearing of incidents when a youth is alleged of committing a major violation of facility rules. As soon as a determination of the infraction is made, but no more than twenty-four (24) hours after the incident, the youth shall be provided a written notice of the alleged rule violation.

Procedures

A. Major violation

When a youth in a community residential facility has committed a major violation, community residential facilities staff shall issue a disciplinary report/notice of hearing to the youth on form CS-0546, *Disciplinary Report/Notice of Hearing*. The report must be signed and dated by the reporting community residential facilities staff and must contain:

1. The youth's name;
2. A plain, concise statement of what occurred, including the time and date and a description of any unusual behavior

exhibited by the youth;

3. The date and time the report is issued;
4. All rule violations/charges of which the youth is being accused;
5. The name(s) of witness(s), both staff and youth;
6. The disposition of any physical evidence, and
7. A statement of youth's rights.

**B. Schedule of
hearing**

1. Youth charged with major rule violations are scheduled for a hearing as soon as possible, but no later than seven (7) days, excluding weekends and holidays, after the alleged violation.
2. Youth are notified of the time and place of the hearing at least 24 hours in advance of the hearing.
3. A youth may waive the right to a hearing provided that the waiver is documented and reviewed by the DCS community residential facility supervisor.

**C. Responsibilities
of community
residential
facilities staff**

1. Before obtaining a signature from the youth for the disciplinary report/notice of hearing, the reporting community residential facilities staff shall read and/or explain the report to the youth in a manner that enables him/her to understand the charge(s) and his/her rights.
2. The community residential facilities staff shall take into account the youth's academic/intellectual capabilities and current emotional state.
3. The community residential facilities staff shall explain in an impartial manner the waiver of rights and shall determine whether the youth understands them.
4. Community residential facilities staff other than the reporting staff may complete, read, and/or explain the report to the youth and present it to the youth for his/her signature, if circumstances exist which would make it unsafe, difficult, or impossible for the reporting staff to do so.

5. The original report must be forwarded to the hearing officer/discipline committee chairman at the facility. A copy of the notice of hearing must be given to the youth within 24 hours of the infraction(s).
6. When a youth is being charged with seven minor violations, the disciplinary report/notice of hearing must include the documentation verifying the *seven minor rule violations*.

Forms

CS-0546 Disciplinary Report/Notice of Hearing

Collateral Documents

None

Standards

ACA 3-JCRF-3C-03

ACA 3-JCRF-3C-04

ACA 3-JCRF-3C-06

ACA 3-JCRF-3C-07

DCS Practice Model Standard- 8-306

Glossary

<i>Term</i>	<i>Definition</i>
<i>Seven-rule-violation</i>	Once a youth receives seven (7) minor disciplinary violations within a consecutive 7-day period, the case manager must write up a major disciplinary report and the report shall be routed through the normal channels for a disciplinary hearing. The report must include documentation of the seven (7) minor disciplinary violations.